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Letter dated 22 July 2011 from the Secretary-General addressed to the President of the Security Council

I have the honour to transmit the attached communication dated 7 July 2011, which I have received from the Chair of the African Union Commission, Jean Ping, regarding the decision on the situation in Libya by the seventeenth Ordinary Session of the Assembly of Heads of State and Government of the African Union, held in Malabo on 30 June and 1 July 2011 (see annex).

Also attached is the document containing the proposals for a framework agreement on a political solution to the crisis in Libya as presented by the African Union High-level Ad Hoc Committee on Libya and endorsed by the Assembly of the Union.

I should be most grateful if you would bring the present letter and its annex to the attention of the members of the Security Council.

(*Signed*) **BAN** Ki-moon

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Annex

The just-concluded seventeenth Ordinary Session of the Assembly of Heads of State and Government of the African Union deliberated extensively on the situation in Libya. More specifically, the Assembly endorsed the proposals for a framework agreement on a political solution to the crisis in Libya, as presented by the African Union High-level Ad Hoc Committee, within the context of the African Union road map and the relevant provisions of United Nations Security Council resolution 1973 (2011).

The proposals build on the outcome of the meeting of the Ad Hoc Committee held in Pretoria on 26 June 2011, which, inter alia, welcomed Colonel Muammar Gaddafi's commitment to an inclusive dialogue process with the participation of the Transitional National Council of Libya, as well as acceptance of not being part of the negotiation process. They were presented to both the Libyan Government and the Transitional National Council in Malabo. The African Union plans to convene, as soon as possible, negotiations between the Libyan parties to discuss these proposals in Addis Ababa, with the facilitation of the United Nations and the African Union, as well as the League of Arab States, the Organization of the Islamic Conference and the European Union.

As the conflict in Libya enters its sixth month, with the attendant consequences for the civilian population, as well as for long-term security and stability in that country and in the region as a whole, it is critical that we step up our efforts to encourage the Libyan parties to seek a political solution. It is our conviction that the proposals endorsed in Malabo offer a viable basis for bringing the current conflict to an end, ensuring the effective protection of the civilian population and ushering in a political process that will make it possible to meet the legitimate aspirations of the Libyan people for democracy, the rule of law, good governance and respect for human rights.

I should be most grateful if you would circulate the present letter and the attached documents to the Security Council members for their information and action as appropriate. We very much look forward to your personal support and to that of the Security Council. We are committed to working closely with you and your Special Envoy to effectively assist the Libyan people overcome the serious challenges they are currently facing.

I would like to seize this opportunity to thank you for your active involvement in the efforts to promote peace on our continent and enhance the already strong partnership that exists between our two organizations.

(*Signed*) Jean **Ping**

Enclosure 1

Decision of the Assembly of the Union on the situation in Libya

The Assembly:

1. Takes note, with appreciation, of the report of the African Union High-level Ad Hoc Committee on Libya on its activities since the Extraordinary Session of the Assembly of the Union, held in Addis Ababa on 25 May 2011;

2. Pays tribute to the Ad Hoc Committee and to its members for the commitment and determination with which they are carrying out the mandate entrusted to them by the 265th meeting of the Peace and Security Council, held on 10 March 2011, and reaffirmed by the Extraordinary Session of the Assembly of the Union, held on 25 May 2011;

3. Reaffirms all earlier African Union decisions on the situation in Libya and its conviction that only a political solution will make it possible to fulfil the legitimate aspirations of the Libyan people and preserve the unity and territorial integrity of the country. In this respect, the Assembly stresses the continued relevance and validity of the African Union road map as articulated by the Peace and Security Council at its 265th meeting;

4. Endorses the Proposals for a Framework Agreement on a Political Solution to the Crisis in Libya, as presented by the Ad Hoc Committee, within the context of the African Union road map and the relevant United Nations Security Council resolutions;

5. Requests the Ad Hoc Committee to submit these proposals to the Libyan parties, namely the Government of the Libyan Arab Jamahiriya and the Transitional National Council of Libya, and to engage them on that basis, including through the early convening of negotiations under the auspices of the African Union and the United Nations, with the support of the League of Arab States, the Organization of the Islamic Conference and the European Union;

6. Urges the Libyan parties to demonstrate the required political will, place the supreme interest of their country and people above any other consideration, and extend the necessary cooperation to the High-level Ad Hoc Committee;

7. Further urges African Union international partners, in particular the United Nations Security Council and its members and relevant bilateral partners, to support the African initiative and the search for a political solution, as the best way of achieving the mutually reinforcing objectives of peace, democracy, the rule of law and national reconciliation in Libya. The Assembly underscores that the role of the African Union is formally recognized by the Security Council in its resolution 1973 (2011) and is fully consistent with the provisions of Chapter VIII of the Charter of the United Nations, as well as the unique contribution that the Ad Hoc Committee can make for the resolution of the current crisis;

8. Requests the Ad Hoc Committee to report regularly to the Peace and Security Council and to its eighteenth Ordinary Session on its efforts towards a political solution to the crisis in Libya.

Enclosure 2

Proposals to the Libyan Parties for a Framework Agreement on a Political Solution to the Crisis in Libya

1. The following elements are proposed within the context of the road map of the African Union for the peaceful resolution of the conflict in Libya and the communiqué of the meeting of the African Union High-level Ad Hoc Committee on Libya, held in Pretoria on 26 June 2011, including Colonel Muammar Qaddafi's commitment to an inclusive dialogue process with the participation of the Transitional National Council of Libya and acceptance of not being part of the negotiation process, as well as Security Council resolutions 1970 (2011) and 1973 (2011).

2. Their objective is to bring the current conflict to an end, ensure the effective protection of the civilian population, including the provision of humanitarian support, and usher in a political process that will make it possible to meet the legitimate aspirations of the Libyan people to democracy, rule of law, good governance and the respect for human rights.

National dialogue

3. The Libyan parties shall immediately start negotiations, in accordance with paragraph 2 of Security Council resolution 1973 (2011) and the African Union road map, which will address the following issues: an immediate suspension of hostilities, a humanitarian pause, a comprehensive ceasefire, national reconciliation and arrangements relating to the transition, as well as the agenda for democratic transformation.

4. The national dialogue shall be held under the auspices of the African Union High-level Ad Hoc Committee and the United Nations, through the Special Envoy of the Secretary-General, with the support of the League of Arab States, the Organization of the Islamic Conference and the European Union.

Ceasefire

5. Without prejudice to the outcome of the national dialogue, the ceasefire shall, among others, entail the following:

(a) Lifting of the siege imposed on cities and cantonment of all troops, militias and armed elements from all parties;

(b) End to all attacks against, and abuses of, civilians, including Libyans who were forced to flee their country;

(c) Release of all prisoners and other individuals detained in relation with the current hostilities;

(d) Facilitation of unrestricted and unhindered access to the civilian population by all international humanitarian agencies and workers.

6. The arms embargo, as provided for in the relevant provisions of Security Council resolution 1970 (2011), shall remain in place on the entire Libyan territory, until the completion of the transitional period and the holding of general elections.

7. The measures relating to the imposition of the no-fly zone, as provided for in Security Council resolution 1973 (2011), will be lifted by the Security Council at an appropriate date, in any event not later than the entry into force of the comprehensive ceasefire and the deployment of a credible and effective monitoring mechanism.

8. The parties commit themselves to request the United Nations, working closely with the African Union and the League of Arab States, to establish and deploy an effective, credible international mechanism, including a sizeable peacekeeping force, to, inter alia:

(a) Monitor the respect of the ceasefire and compliance of the parties with their commitments;

(b) Provide protection to the civilian population within its mandate;

(c) Undertake other related tasks, including support to the transition and peacebuilding.

9. The mechanism, as mentioned above, shall be authorized by the Security Council under Chapter VII of the Charter of the United Nations and provided with all resources required for the effective implementation of its mandate.

10. Pending the deployment, as envisaged above, interim arrangements shall be put in place, which shall involve the establishment and deployment of an international mission mandated or authorized by the Security Council under Chapter VII of the Charter.

11. The ceasefire shall be linked to, and followed by, a political process, which will commence with a consensual and inclusive transition period and culminate in democratic elections to enable the Libyan people to freely choose their leaders.

Arrangements relating to the transition

12. The parties commit themselves, following the national dialogue, to establish a transitional period during which the necessary reforms to meet the aspirations of the Libyan people will be undertaken.

13. The transitional period shall culminate with democratic elections to enable the Libyan people to freely choose their leaders. The elections shall be internationally monitored.

14. The transitional period will be underpinned by the following principles:

(a) Commitment to democracy, good governance, rule of law and respect for human rights;

(b) Inclusivity, in order to bring on board all stakeholders;

(c) Consensus, as a way of providing a broad-based support to all decisions that will be taken during the transition.

15. The transitional period shall entail a transfer of power to an interim Government, to be put in place immediately upon the conclusion of the national dialogue, as well as to other institutions that shall be agreed upon. The transitional period shall be managed in an inclusive manner.

16. A provisional Constitutional Charter will determine the tasks and length of the transitional period, as well as the institutions of the transition and their composition, functions and powers.

17. The institutions of the transition shall elaborate and adopt a draft Constitution and the legislation which is necessary for the conduct of the transitional tasks, as well as for the completion of the political reforms which would address the root causes of the Libyan crisis.

18. The national dialogue shall be completed within a period of 30 days maximum, unless the parties and other stakeholders decide otherwise.

Confidence-building and other accompanying measures

19. The parties commit themselves to work towards healing and national reconciliation, including considering the establishment of a truth and reconciliation commission.

20. The parties commit to agree on and adopt an amnesty law with respect to acts and other offences committed in the course of the current conflict. The scope and modalities of such a law shall be agreed upon during the national dialogue.

21. The parties commit to refraining from disseminating messages instigating hatred and violence and from any other action that may undermine reconciliation among the Libyans.

22. The parties commit themselves to requesting the Security Council to lift the freeze of Libyan assets as provided for in resolutions 1970 (2011) and 1973 (2011), to the benefit of the interim Government.

Role of the international community

23. The international community, represented by the African Union, the United Nations, the League of Arab States, the Organization of the Islamic Conference and the European Union, commits itself to supporting the process and agreements reached among the Libyan stakeholders.

24. In this respect, the international community is expected to take the following steps:

(a) Deploy monitors to verify compliance with the suspension of hostilities mentioned above;

(b) Put in place an effective, credible international monitoring mechanism and peacekeeping force to verify the ceasefire, protect the civilian population and take other required steps for the successful conclusion of the peace process in Libya;

(c) Support the implementation of the transitional tasks, including through the provision of the required expertise and advice;

(d) Facilitate the supply of the Libyan population in basic food commodities and medicines;

(e) Facilitate the lifting of the sanctions imposed on Libya, in particular the unfreezing of the Libyan assets abroad, to meet urgent humanitarian needs, support the functioning of the transitional institutions and other related priorities;

(f) Take measures, including sanctions, against all those who would undermine the transitional process.